

US EPA ARCHIVE DOCUMENT

Stormwater Petitions

Petition for a Determination that Stormwater Discharges from Commercial, Industrial and Institutional Sites Contribute to Water Quality Standards Violations and Require Clean Water Act Permits

On July 10, 2013, EPA Regions 1, 3, and 9 received petitions seeking designation for Clean Water Act permitting of currently unregulated stormwater discharges from commercial, industrial, and institutional sites that discharge *non de minimis* amounts of certain pollutants to waters that are impaired by those pollutants. The pollutants identified were lead, zinc, copper, phosphorus, nitrogen, sediment, biological oxygen demand, and chemical oxygen demand. The Regions conducted analyses in which each considered: 1) the likelihood for exposure of pollutants to precipitation for the category of sources identified, 2) whether sufficient data are available on which to make a determination of potential adverse water quality impacts for the category of sources identified, and 3) whether such sources were adequately addressed by other environmental programs.

EPA Regions 1, 3 and 9 have responded to the petitions. Regions 3 and 9 declined to designate these stormwater discharges for permitting because the Regions did not have sufficient data available to link discharges from the sites to specific water quality impairments and there are existing programs underway to address these discharges. The Regions plan to evaluate the progress of these programs and decide at a later date if any designations are needed. Region 1 is neither granting nor denying the petition, but will evaluate specific watersheds to determine whether site specific information will support such designations. Stormwater discharges pose a serious threat to the nation's water bodies. EPA is committed to working with the states and its partners to ensure its programs and activities are implemented to meet their water quality objectives.

Specifically:

Region 3 has concluded that there is insufficient data at this time on which to base a region-wide categorical designation of currently unregulated stormwater discharges from commercial, industrial, and institutional sites and the Region does not have that level of information reasonably available. Region 3 has a number of water quality protection programs already in place, namely the MS4 program and the Chesapeake Bay TMDL and its associated accountability framework, which cover the majority of stormwater discharges from commercial, industrial, and institutional sites in the Region. The Region is committed to working with the states to ensure that these programs and activities are implemented by their set deadlines and meet their water quality objectives. If it becomes apparent that the existing programs are not meeting their objectives, then the Region will need to consider alternative tools, including residual designation authority.